

# EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

THE BIOMECHANICS LLC,  
*Plaintiff,*

v.

INTERNATIONAL FITNESS  
PROFESSIONALS ASSOCIATION, INC.  
and DR. JAMES BELL  
*Defendants.*

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CASE NO. 6:22-cv-974-ADA-JCM

INTERNATIONAL FITNESS  
PROFESSIONALS ASSOCIATION, INC.'S  
RESPONSE TO THE BIOMECHANICS LLC'S  
FIRST SET OF INTERROGATORIES

International Fitness Professionals Association, Inc. ("IFPA"), by and through its undersigned counsel, hereby submits the following responses to The Biomechanics LLC, First Set of Interrogatories. IFPA expressly reserves the right to continue its discovery and investigation for facts, witnesses, and supplemental data, which may reveal information that, if presently within its knowledge, would have been included in these objections and responses. Accordingly, the objections and responses below represent only information currently known following reasonable investigation in responding to these discovery requests with the time and reasonable resources available. The objections and responses set forth below do not preclude IFPA from relying on information discovered after further investigation or discovery, which, if known at this time, would have been included in these objections and responses.

**INTERROGATORY NO. 1:** Identify each transaction between IFPA and any Texas resident or persons with a Texas address or who provided payment with a credit or debit card or account associated with a Texas address. For each transaction, identify the (a) name, address, and email of the purchaser; (b) the date of the transaction; (c) the nature of the transaction, e.g. the product, service, certification, renewal, or membership purchased; and (d) the method of payment and associated billing address.

**RESPONSE:** Objection. This request is overbroad and not proportional to the needs of limited jurisdictional discovery. The only transactions that are relevant to Plaintiff's claim of specific jurisdiction are transactions of the accused work.

Without waiving any objections, one person with an address in the jurisdiction purchased the *Corrective Exercise Specialist Course*. She did not take the test:

Ivana Psenicnik  
6410 S. New Braunfels Avenue # 6208  
San Antonio, 78223 TX

One additional person with an address in Texas but not in the district purchased the *Corrective Exercise Specialist Course*. She took the test and completed the course.

Shaar Garner  
16214 Indian Mill Drive  
Houston, TX 77082

Two persons with an address in Texas but not in the district purchased the *Corrective Exercise Program Design For Back Pain CE* article:

Tlyer [sic] Smith  
801 Country Place Drive #227  
Houston, TX 77079

John Neundorfer  
2318 Tannehill Drive  
Houston, TX 77008

See IPFA\_0001.

**INTERROGATORY NO. 2:** Identify all IFPA Members who are Texas residents or who have a Texas address or who provided payment with a credit or debit card or account associated with a Texas address. For each identified IFPA Member, provide the name, address, telephone number, and email account.

**RESPONSE:** Objection. This request is overbroad and not proportional to the needs of limited jurisdictional discovery. The residency of IFPA Members is not relevant to Plaintiff's claim of specific jurisdiction. The only potential IFPA Members or customers relevant to this dispute are the customers who purchased the accused work. Sales of other works are not relevant to Plaintiff's claim of specific jurisdiction.

Without waiving any objections, see the response to Interrogatory No. 1.

**INTERROGATORY NO. 3:** For the period between 2004 and the present, identify any IFPA exams proctored in Texas or any events in Texas which IFPA attended or participated occurring in Texas (or if virtual, were accessible in Texas), including but not limited to conferences,

workshops, webinars, seminars, guest appearances, awards, or podcasts. For each event, (a) identify the location and date of the event; (b) identify the IFPA representative(s) or agent(s) who presented, participated, or attended; and (c) briefly describe the nature of the event and IFPA's role there, i.e. "guest speaker appearance at a workshop," or "certification exam proctored by").

**RESPONSE:** Objection. This request is compound, overbroad, and not proportional to the needs of limited jurisdictional discovery. Exams conducted up to nineteen years ago are not relevant to Plaintiff's claim of specific jurisdiction. The burden of investigating whether a virtual event or podcast was accessible in Texas is substantially outweighed by any limited information that could be found. It would be unduly burdensome and not proportional to the needs of limited jurisdictional discovery for IFPA to search for records going back more than five years. It would be unduly burdensome and not proportional to the needs of limited jurisdictional discovery for IFPA to attempt to determine if virtual events were accessible in Texas.

Without waiving any objections, IFPA has not attended "any conferences, workshops, webinars, seminars, guest appearances, awards, or podcasts" in or otherwise accessible in Texas since January 1, 2018.

IFPA does not proctor exams for the *Corrective Exercise Specialist Course* or the continuing education articles identified in Paragraph 73 of the complaint. The education articles identified in Paragraph 73 of the Complaint are not courses. They are short articles that clients can read to earn one continuing education credit. IFPA does not proctor exams for the quiz at the end of the article.

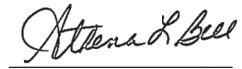
**INTERROGATORY NO. 4:** State the search parameters used by IFPA in collecting and producing documents and information in responding to discovery in this Lawsuit. Please identify

1. all sources searched, including (a) all email and accounts searched and their respective custodians; and (b) all non-email repositories searched (e.g. social media accounts, computer hard drives, cloud-based repositories, or hard files) and their respective custodians; and
2. the time frame and any keywords used to search the sources.

**RESPONSE:** Objection. This interrogatory is compound. Without waiving this objection, IFPA has searched its email for emails that contain the word "Texas" or the abbreviation "TX." IFPA did not search its social media accounts. IFPA does not sell or distribute the accused work through its social media accounts. Social media interactions are not relevant to Plaintiff's claim of specific jurisdiction. IFPA did not search its paper records. IFPA maintains its sales records electronically. Any paper records it may have are copies of its electronic records.

**Verification**

I declare under penalty of perjury that the foregoing answers are true and correct to the best of my knowledge, information, and belief.



Date: 12 / 28 / 2022

Respectfully submitted December 29, 2022.

THOMAS P. HOWARD, LLC

By: /s/ Scott E. Brenner

Thomas Howard, admitted pro hac vice  
Scott E. Brenner, admitted pro hac vice  
842 W. South Boulder Rd.

Suite #100

Louisville, CO 80027

(303) 665-9845

sbrenner@thowardlaw.com

thoward@thowardlaw.com

*Counsel for IFPA - International Fitness  
Professionals Association, Inc.*

**Certificate of Service**

I certify that on December 29, 2022, a copy of this document was served on the following as indicated:

Via email:

Isabelle M. Antongiorgi [isabelle@dunhamllp.com](mailto:isabelle@dunhamllp.com)

David E. Dunham [david@dunhamllp.com](mailto:david@dunhamllp.com)

s/ Scott E. Brenner \_\_\_\_\_



## Audit trail

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## Document History



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from [sbrenner@thowardlaw.com](mailto:sbrenner@thowardlaw.com)  
IP: 96.69.167.85



VIEWED

**12 / 29 / 2022**

03:42:04 UTC

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IP: 107.191.1.17



SIGNED

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03:43:53 UTC

Signed by Athena Bell ([athena@ifpa-fitness.com](mailto:athena@ifpa-fitness.com))  
IP: 107.191.1.17



COMPLETED

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